THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.24285 of 1998

20-06-2007

Between:

M. Venkata Ramana Reddy … Petitioner

And

**A.N.G.R. Agricultural university,
Rajendranagar, Hyderabad, represented
By its Vice-Chancellor and others. …
Respondents.**

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Oral Order:

In substance, the petitioner is aggrieved by the 3rd respondent's selection and appointment as Assistant Professor in the 1st respondent University and his non-selection to the said post.

On 12.3.1996, the 1st respondent issued an advertisement calling for applications for appointment to various posts in the University including to the post of Assistant Professor in Microbiology. The qualifications prescribed for the post of Assistant Professor in Microbiology, inter alia, include a pass in SSC examination or any other equivalent examination with Telugu as one of the subjects or a course of study of SSC through the medium of Telugu or a working knowledge of Telugu and the same is relaxable in the case of in service teachers of ANGRAU. Further, persons eligible for appointment to the posts of Assistant Professor or its equivalent posts should have also qualified himself/herself in the National Eligibility Test (NET) to be specially conducted for the purpose. According to the petitioner, the third respondent does not have the Telugu qualification and the 4th respondent is not qualified in NET.

It is, however, conceded at the hearing of the Writ Petition that the 4th respondent was not appointed as Assistant Professor and

therefore his not having the NET qualification is not an issue. Insofar as the 3rd respondent is concerned, the petitioner alleges that on account of extraneous considerations (the petitioner does not choose to specify what are the extraneous considerations) the names of the 3rd and 4th respondent were shown at S.Nos.1 and 2 by the Selection Committee and their names were approved by the Board of the 1st respondent. Petitioner alleges that the 3rd respondent does not have the basic requirement of a pass in SSC examination with Telugu as one of the subjects nor had he studied SSC through the medium of Telugu.

On behalf of the 1st respondent, the 2nd respondent has filed a counter-affidavit whereat it is stated that there was an eminent Selection Committee which had approved the candidature of respondent No.3 for appointment to the post of Assistant Professor. The answering respondent contests the petitioner's averment that the 3rd respondent is not qualified in Telugu. It is stated that the 3rd respondent has a working knowledge of Telugu, which is one of qualifications prescribed. It is also asserted that the 3rd respondent is academically very highly qualified vis-à-vis the petitioner and that the Selection Committee has neither committed any irregularity nor illegality in selecting and appointing the 3rd respondent to the post of Assistant Professor in Microbiology, in preference to the petitioner.

The third respondent has filed a counter-affidavit categorically asserting that he has a working knowledge of Telugu, his mother tongue is Telugu and therefore he fulfils the requirement.

Sri Srinviasa Rao, the learned counsel for the petitioner would contend that the prescription of the qualification in the advertisement insofar as Telugu is concerned is arbitrary inasmuch as it confers an unguided and uncanalized power on the Selection Committee to

choose amongst a range of qualifications subjectively. It is contended by the learned counsel for the petitioner that a pass in the SSC examination with Telugu as one of the subjects or that the candidate should have studied SSC through the medium of Telugu or he must have working knowledge of Telugu are dissimilar standards for assessment of knowledge of Telugu, which is one of the prescribed qualifications.

The above contention, without placing any material on record as to what are the specified standards, which must be taken into consideration for assessment of a knowledge of Telugu, is devoid of force. It is not the case of the petitioner, either pleaded, asserted or established that knowledge of a particular standard of Telugu is a *sine qua non* for the purpose of selection and appointment to the post of Assistant professor in Microbiology in the 1st respondent-University. The several qualifications in Telugu specified in the notification could be for reasons not associated directly with the functional requirement of the post of Assistant Professor in Microbiology. It could be with a view to promote the regional language by prescribing such qualifications as an incentive for holding an academic faculty position in the 1st respondent-University. It is for that reason and since it was not considered a core functional requirement, that the 1st respondent might have thought it fit in the plenitude of its academic assessment powers that any one of the prescribed qualifications in Telugu would suffice for appointment to the post of Assistant Professor in Microbiology. The Petitioner has neither pleaded nor established that the 1st respondent does not possess even a working knowledge of Telugu, which is one of the specified qualifications. The petitioner's vague assertion that the 3rd respondent is not qualified is countered by the 3rd respondent's assertion that he is having knowledge of Telugu, is a Telugu-born and therefore has a functional knowledge of Telugu.

In the absence of any demurral recorded by the petitioner to the 3rd respondent's assertion in the counter-affidavit, no cause is made out for interference on the ground that the 3rd respondent is not qualified to hold the post of Assistant Professor in Microbiology in the 1st respondent-University. There are no merits in the Writ Petition. It is accordingly dismissed. No costs.

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20th June, 2007 GODA RAGHURAM, J

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